



WILLIAM ARTHUR TAYLOR
1326 ASPEN DRIVE
EVERGREEN CO 80439

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FEB 16 2005

OFFICE OF PETITIONS

In re Application of	:	
William Arthur Taylor	:	
Application No. 10/045,250	:	DECISION GRANTING PETITION
Filed: November 7, 2001	:	
Title of Invention: METHOD OF PLAYING AND	:	
PAYING GAMBLING GAMES	:	

This is a decision on the petition filed February 8, 2005 under 37 CFR 1.137(a) which is treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181.

The petition is **GRANTED**.

This application became abandoned for failure to timely respond to a non-Final Office Action mailed August 25, 2004. This application became abandoned on November 26, 2004, however, the instant petition and decision on petition precedes the mailing of the Notice of Abandonment.

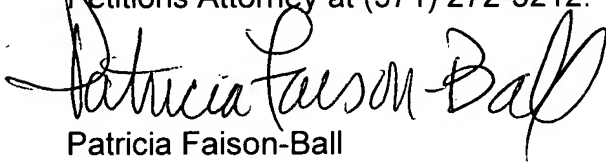
The file record discloses that the non-Final Office Action was mailed to the address of record. However, petitioner contends that it was not received. In support of this contention, petitioner has not proffered any substantive evidence of non-receipt but a review of the file reveals that the office communication was returned to the USPTO by the United States Postal Service on September 8, 2004. It would therefore stand to reason that even without additional proof submitted by the petitioner, that the office communication could not have been received by petitioner and thus, petitioner could not timely reply to the communication.

In view of the above, it is concluded that the non-Final Office Action was never received. Accordingly, the holding of abandonment is withdrawn. Since no petition fee is due under 37 CFR 1.181, the petition fee paid in the amount of \$250.00 will be refunded in due course.

It should be noted however that there does in fact appear to be a problem with mail being delivered to petitioner since this is the second time within a year that an office communication mailed from the USPTO was not received by the petitioner. Perhaps it would be prudent for petitioner to research this matter with the USPS to determine why the mail was returned and why on two occasions within one year, petitioner has not received mail from the USPTO.

This matter is being referred to Technology Center 3711 for consideration of the amendment filed February 8, 2005.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style with a large initial "P".

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions